

TWELFTH DAY.

Senate Chamber,
Austin, Texas.

Monday, January 31, 1927.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Pollard.
Berkeley.	Price.
Bledsoe.	Real.
Bowers.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Triplett.
Hardin.	Ward.
Love.	Westbrook.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Wood.
Neal.	Woodward.
Parr.	

Absent—Excused.

Fairchild.	Lewis.
Holbrook.	Stuart.

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Floyd:

S. B. No. 194, A bill to be entitled "An Act providing for the regulation of Local Mutual Aid Associations and other associations paying a death benefit, comprehending and including all societies of any kind operating an insurance business and paying death benefits, where funds are provided by assessments on members, etc., and declaring an emergency."

Read first time and referred to Committee on Insurance.

By Senator Bailey.

S. B. No. 195, A bill to be entitled "An Act to authorize a fifty year lease to be issued to the town of

Aransas Pass in Aransas and San Patricio Counties, Ransom Island and its sand flats extension to the northeast and its sand flat extensions to the southwest in Red Fish Bay situated in Nueces County, and that shallow portion of said bay between said island and its extension and the main land; etc., and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Price:

S. B. No. 196, A bill to be entitled "An Act so as to provide that hereafter any person, firm or corporation that sustains injury to person or property by the negligent operation of any other motor vehicle by the owner thereof or by another with the owner's consent expressed or implied to operate it, shall have a lien on such motor vehicle to secure the payment of the damages sustained; providing further that no motor vehicle shall be exempt from sequestration, attachment, execution or any other species of forced sale as against any person, firm or corporation that sustains injury from the negligent operation of such motor vehicle and that acquires the lien provided by the terms of this Act; etc., and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Woodward:

S. B. No. 197, A bill to be entitled "An Act to amend Article 3716 of the Revised Civil Statutes of the State of Texas of 1925 by adding thereto a provision as follows: "Provided, however, that in actions begun during the lifetime of the decedent in which executors, administrators, guardians or the heirs of legal representatives of the decedent, have been substituted as parties plaintiff or defendant in which such actions either plaintiff or defendant has testified in open court or by deposition and has been subjected to cross examination by either party may be admitted in evidence upon any subsequent trial of the same issues between the surviving party and the executors, administrators, guardians, heirs or legal representatives of the deceased party, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Westbrook:

S. B. No. 198, A bill to be entitled "An Act granting permission to A. E. Randall and wife, A. A. Randall and minor son, Elmer Randall, to sue the State of Texas for any damages growing out of the injuries received by the said A. A. Randall while riding on a road scraper owned and operated by the State Highway Department of Texas while operating on East Cherry Street in the city of Sherman, in Grayson County, Texas, etc., and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Wood:

S. B. No. 199, A bill to be entitled "An Act amending Section 1 of Chapter 44 of the General Laws of the Regular Session of the Thirty-ninth Legislature relating to bounties for the destruction of certain predatory animals, so that said Chapter 44 will hereafter include and apply to the counties of Burnet and Llano, in addition to the counties now mentioned in Chapter 44; and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Pollard:

S. B. No. 200, A bill to be entitled "An Act to authorize and direct the Secretary of State to exchange Court Reports, Session Acts, and other publications of the State for like publications of other states, and of the United States and of foreign countries, for the benefit of the law library of the University of Texas, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Pollard:

S. B. No. 201, A bill to be entitled "An Act to establish a state college in Tyler, Texas, to be known as the Texas Industrial College, providing for its government; the control of its finances; defining its objectives, and describing generally the nature and scope of instruction to be given, and conferring upon the board of directors of said college the right of eminent domain and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Pollard:

S. B. No. 202, A bill to be entitled "An Act regulating tuition, fees and charges at State educational institutions; limiting the amount of same; requiring the placing of same in the State Treasury so that the same shall be subject to appropriation of the Legislature and payable on warrants of the Comptroller; permitting voluntary payments for student activities under certain restrictions; and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Pollard:

S. B. No. 203, A bill to be entitled "An Act to create and establish the office of District Attorney for the Eighty-sixth Judicial District of the State of Texas, composed of the counties of Van Zandt, Kaufman and Rockwall. To provide for the appointment of said District Attorney, to define his duties and providing for the compensation and fees to be received by said District Attorney for services rendered by him, and repealing all laws and parts of laws in conflict with this Act, and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

By Senator Pollard:

S. B. No. 204, A bill to be entitled "An Act repealing Article 2691 of the Revised Civil Statutes of 1925 relative to teachers' institutes, and repealing all other laws of this State providing for teachers' institutes; and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Pollard:

S. B. No. 205, A bill to be entitled "An Act to prevent the employment of attorneys by officers, heads of departments, educational institutions or other institutions of the State with certain exceptions; and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Ward:

S. B. No. 206, A bill to be entitled "An Act amending Article 4143 of the Revised Civil Statutes of 1925."

relative to the bond of guardians so as to permit the premium on such bond, if made by a corporation authorized to issue and execute guaranty or indemnity bonds, to be paid out of the estate of the ward; and declaring an emergency."

Read first time and referred to Committee on Insurance.

By Senator Woodward:

S. B. No. 207, A bill to be entitled "An Act to amend Article 1722, Chapter 2, Title 37, of the Revised Civil Statutes of the State of Texas of 1925 so as to provide for the office of Marshal and Librarian of the Supreme Court and for Assistant Librarians; prescribing their duties and fixing their compensation; providing for things incidental to the purposes of the Act; and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Witt:

S. B. No. 208, A bill to be entitled "An Act to amend Articles 2688, 2700, R. S. 1925, pertaining to the creation of the office of county superintendent of schools and providing salary and office and traveling expenses; repealing all laws both General and Special in conflict herewith; and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Witt:

S. B. No. 209, A bill to be entitled "An Act to provide for the payment of fees and compensation to the District and County Attorneys and other officers, for services rendered in the trial and disposition of cases arising under the juvenile laws relating to "dependent" and "neglected" children as provided in Title 43 of the Revised Civil Statutes of Texas of 1925, and "delinquent" children as provided in Title 16 of the Code of Criminal Procedure of the State of Texas of 1925, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Witt:

S. B. No. 210, A bill to be entitled "An Act providing that no property or any interest therein shall be subjected to any further inheritance tax as provided in Chapter 5 of Title 122

of the Revised Civil Statutes of 1925 within five years after such property has become subjected to such tax; and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

✓By Senator Witt:

S. B. No. 211, A bill to be entitled "An Act prescribing that physical education courses approved by the State Department of Education shall be taught in Texas Public Schools; providing for the certification of teachers of physical education; and authorizing the State Superintendent of Public Instruction to provide for the direction and supervision of physical education instruction in the public schools."

Read first time and referred to Committee on Educational Affairs.

Simple Resolution No. 41.

Whereas, the Senate of Texas has learned with profound sorrow of the death of Hon. Thad Smith, brother of our fellow member, Senator Jesse Smith,

Therefore, be it resolved by the members of the Senate that we deplore his passing, that we extend to his bereaved relatives our sincere sympathy in this sad hour, and when we adjourn today it be done in respect to his memory.

Hall, Bledsoe, Reid, Real, Triplett, Berkeley, Hardin, Neal, Westbrook, Price, Pollard, Witt, Wirtz, Russek, Floyd, Love, Bowers, Greer, McFarlane.

The resolution was read and adopted.

Senate Bill No. 115.

At the conclusion of the morning call, the Chair laid before the Senate as special order, the following bill:

S. B. No. 115, A bill to be entitled "An Act to repeal Articles 357, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 464, 466, 470, 475, 475a, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, and 489, Revised Civil Statutes of the State of Texas adopted at the Regular Session of the Thirty-ninth Legislature; providing that bonds executed and securities deposited by State banks before the passage of this Act, under the statutes hereby repealed, as members of the Bond Security System, shall

not be affected by this repeal until the lapse of one year from the time of the approval of said bond, by, or deposit of said securities, with, the Banking Commissioner, under existing statutes, etc., and declaring an emergency."

Senator Love sent up the following amendments:

Amendment No. 1.

Amend S. B. No. 115 by adding Section 1a, as follows:

Section 1a. That Article 439 of the Revised Civil Statutes of the State of Texas, adopted at the regular session of the Thirty-ninth Legislature, 1925, be and the same is hereby amended so as hereafter to read as follows:

Article 439. The State Banking Board shall consist of the Attorney General, the Banking Commissioner and State Treasurer. Said board shall have the power of regulation, control and supervision of all State Banking Corporations and Bank and Trust Companies, in conformity to law, and shall adopt all necessary rules and regulations in harmony with the law affecting the regulation of the same.

The amendment was read and adopted.

Amendment No. 2.

Amend S. B. No. 115 by striking out the figures 439 in line 8 on page 1 and also in line 17 on page 2.

The amendment was read and adopted.

Amendment No. 3.

Amend S. B. No. 115 by striking out the figures 438 in line 8 of page 1 and also in line 17 of page 2.

The amendment was read and adopted.

Senator Pollard sent up the following amendment:

Amendment No. 4.

Amend S. B. No. 115 by striking out the words "one year" in line 26, page 2, and add in lieu thereof the words "six months."

The motion was read twice and adopted.

Senator Hall moved to reconsider the amendment. The motion carried. The original motion to adopt the amendment was lost.

Senator Bowers moved the engrossment of the bill. The motion was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Russek, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 115 put on its third reading and final passage, by the following vote:

Yeas—25.

Bailey.	Price.
Berkeley.	Real.
Bledsoe.	Reid.
Bowers.	Russek.
Floyd.	Smith.
Greer.	Triplett.
Hall.	Ward.
Hardin.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Moore.	Wood.
Neal.	Woodward.
Pollard.	

Absent.

Miller.	Parr.
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Absent—Excused.

Fairchild.	Lewis.
Holbrook.	Stuart.

The bill was read third time and passed finally, by the following vote:

Yeas—25.

Bailey.	Price.
Berkeley.	Real.
Bledsoe.	Reid.
Bowers.	Russek.
Floyd.	Smith.
Greer.	Triplett.
Hall.	Ward.
Hardin.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Moore.	Wood.
Neal.	Woodward.
Pollard.	

Absent.

Miller.	Parr.
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Absent—Excused.

Fairchild.	Lewis.
Holbrook.	Stuart.

Bills Signed.

After its caption had been read, the Chair signed in the presence of the Senate the following bill:

S. B. No. 82.

Messages from the Governor.

The Chair recognized the Doorkeeper who introduced a messenger from the Governor with the following messages:

Executive Department,
Austin, Texas, January 31, 1927.
To the Honorable Senate of the State of Texas.

I heretofore submitted to you the appointment of Honorable R. S. Sterling of Harris County as Chairman of the Highway Commission to succeed Honorable Eugene Smith for the term of six (6) years. This appointment has been confirmed.

It appears that the term heretofore held by Honorable Eugene Smith expires on the fifteenth of February, and I desire to appoint, with your advice, consent and confirmation, Honorable R. S. Sterling to be Highway Commissioner and Chairman of the Commission for the unexpired term of the said Eugene Smith.

Respectfully submitted,
DAN MOODY,
Governor.

Read and referred to the Committee on Nominations by Governor.

Executive Department,
Austin, Texas, Jan. 31, 1927.
To the Members of the Fortieth Legislature.

By previous message to the Legislature, I suggested that before attempting to provide for the support of the highway program you obtain complete information as to the present financial status of the Department, and pointed out that the obligations first, for maintenance; second, for contracts let and in course of construction; and third, for allotments promised, will total an enormous sum. The suggestion was made in the belief that the information gathered would show the necessity for a stabilized income for the Department, if the present obligations of the Department are to be met, and a systematic plan for a correlated system of highways developed and carried out.

I further suggested that if you found, as I believed you would, from an investigation of the Highway De-

partment that additional revenues are needed, that you look to the gasoline tax as a means of supplying this revenue. However, I hope as one result of the general re-arrangement of our taxing system, suggested in my previous message, that some form of stabilized income will be made available to the Highway Department sufficient to meet the growing development of our highway system.

The heavy obligations imposed upon the Highway Department by the preceding Administration and the necessity for funds to match Federal Aid which is available to Texas, create the situation in which I solicit your cooperation. I am inclined to the belief that the normal revenue of the Department would be sufficient for the present year, except for the need to meet these inherited obligations and match the available Federal Aid.

I am further of the belief that in the growth and development of a highway program commensurate with the tremendous expansion of the State, the time will come when the Highway Department will be able to spend judiciously more revenue than that now received by that Department under existing laws, but it is not my purpose to ask for greater revenue now for the Department, except as the exigencies of the situation require. The Department must meet its obligations and it must match the available Federal Aid money, if the best interest of the State are to be served.

It seems to me that in determining the needs of the Department the items to be taken into consideration are, first, the obligations of the Department, present and prospective; second, the revenue of the Department, present and prospective.

Under the present and prospective obligations of the Department are to be found, first, the cost of maintenance of the designated highways; second, the cost of the completion of contracts now in course of performance; third, the lawful allotment of funds heretofore made; and fourth, operating expense or overhead. To learn what is actually needed by the highway fund the available Federal Aid money which is to be matched by funds of the State and counties should be added to the obligations of the Department.

Coming under the present and prospective revenues of the Department is the cash on hand, the money received from the license fees and the money collected from the gasoline tax. I believe that your investigation will disclose that the present and prospective resources will be insufficient to meet all the obligations and match the available Federal Aid money.

A further matter which arises to complicate the situation confronting you is the request of the counties for additional money for the building and maintaining of those roads under county control. There is undeniable justice in their claim for a better support of their county roads; yet how this is to be accomplished without impairing the State Highway Department is a problem of considerable moment. I am firmly of the opinion that in the re-adjustment of our taxing problems, which I have heretofore suggested to you, a way can be found to amply finance the State Highway Department and give the counties the necessary means to support their local road programs. I believe that your policy should contemplate meeting the existing emergency and embrace the view that something will be accomplished in the way of a permanent solution of the question through the general re-adjustment of our system of taxation.

I am conscious of the fact that there are opponents to an increase in the tax now levied upon the sale of gasoline, but to meet the situation, I believe that irrespective of our personal views upon this question that opposing minds can find agreement on a program to meet the urgent needs of the Highway Department.

With this thought in mind I respectfully make the following suggestions for your consideration:

Increase the tax now levied on gasoline to the basis of two cents on the gallon. The measure should carry the emergency clause. This should supply approximately four million dollars additional revenue to the highway fund. The bill should provide by its own terms that it be operative for a period of two years, unless sooner repealed.

Further, provide that after the first of June of this year a portion

of the tax now collected on the registration of motor vehicles be retained by the counties for use upon the county roads. The ratio of division between the State and counties should be fixed at a figure that does not defeat the purpose sought to be accomplished; that is, provide sufficient revenues for the Highway Department, and at the same time supply additional revenues to aid the counties in the construction of county roads.

The purpose in suggesting that the gasoline tax become effective immediately and that the division of license fees be deferred to a future date is that such an arrangement will supply the revenue now needed by the Highway Department and at the same time will give aid to the development of the county roads without a drain on the present highway fund. In suggesting that this legislation be effective for a limited period of time I have in mind that this Legislature will surely revise our system of taxation which will dispose of the problem.

Respectfully submitted,
DAN MOODY,
Governor.

Message from the House.

The Chair recognized the Doorkeeper who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,
Austin, Texas, January 31, 1927.
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

S. C. R. No. 6 relating to the acquisition by the State of the remaining Alamo property.

S. C. R. No. 8, adopting a State bird.

H. C. R. No. 14 relating to H. B. No. 52.

H. C. R. No. 15, in memoriam of the death of Dr. J. T. Wilhite, Director of the Pastuer Institute.

The House refused to pass S. C. R. No. 3, requesting Congress to pass Senate Bill No. 4808, relating to the surplus of farm products.

Respectfully submitted,
C. L. PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Jan. 31, 1927.
Hon. Barry Miller, President of the
Senate.

Sir: I am directed by the House
to inform the Senate that the House
has passed the following bills:

H. B. No. 3, A bill to be entitled
"An Act to agree to the provisions of
Section VII of an Act of Congress of
the United States and approved June
18, 1926, entitled 'An Act to provide
for the storage of the waters of the
Pecos River,' and declaring an emer-
gency."

H. B. No. 29, A bill to be entitled
"An Act to amend Article 1903 of
Chapter 2, Title 40, of the Revised
Civil Statutes of 1925, and declaring
an emergency."

H. B. No. 32, A bill to be entitled
"An Act to amend Article 2253 of
Chapter 12, of the Revised Civil Sta-
tutes of 1925, and declaring an emer-
gency."

H. B. No. 34, A bill to be entitled
"An Act to amend Article 2312 of
Chapter 13, Title 42, of the Revised
Civil Statutes of 1925, and declaring
an emergency."

H. B. No. 42, A bill to be entitled
"An Act to amend Article 3996 of Ti-
tle 65, of the Revised Civil Statutes
of 1925, and declaring an emer-
gency."

S. B. No. 82, A bill to be entitled
"An Act to amend Article 164 of the
Revised Civil Statutes of Texas, 1925,
providing that the commissioners'
court of any county of this State is
authorized to establish and conduct
cooperative demonstration work in
agriculture and home economics in
cooperation with the Agricultural and
Mechanical College of Texas, upon
such terms and conditions as may be
agreed upon by the commissioners'
court and the agents of the Agri-
cultural and Mechanical College of
Texas; and providing that any such
court may employ such means, and
appropriate and expend such sums
of money, as may be necessary to
carry on this work, and declaring an
emergency."

H. B. No. 48, A bill to be entitled
"An Act to amend Article 8306, Part
1, Title 130, of the Revised Civil
Statutes of 1925, by adding thereto
a section to be known as Section 11a,
defining total and permanent injur-
ies, and declaring an emergency."

H. B. No. 147, A bill to be entitled

"An Act to amend Article 2249 of the
Revised Civil Statutes of Texas, 1925,
adopted at the Regular Session of
the Thirty-ninth Legislature, so as
to repeal that portion of said ar-
ticle, allowing an appeal to the Court
of Civil Appeals from every order of
any district or county court in civil
cases, granting motions for new
trials, and declaring an emergency."

With engrossed rider:

H. B. No. 313, A bill to be entitled
"An Act amending Title 8, Article
199, of the Revised Civil Statutes of
the State of Texas, 1925, p. 100,
Subdivision 47, third paragraph, by
providing for the reorganization of
the Forty-seventh Judicial District,
naming the counties constituting the
same, and creating and organizing
the One Hundred and Eighth Judi-
cial District of Texas, and naming
the county constituting same; fixing
the times and terms of the holding
of the district court in the counties
of such respective districts; and pro-
viding for the appointment of a dis-
trict judge for the One Hundred and
Eighth Judicial District, and making
provisions in reference to processes
issued, bonds and recognizance made
and grand and petit jurors drawn be-
fore this Act takes effect, and pro-
viding for the continuance in office
of the judge and district attorney,
respectively, for the Forty-seventh
Judicial District; also, providing for
the jurisdiction of said courts as to
civil and criminal business, and fix-
ing the time of taking effect of this
Act, and repealing all laws in conflict
herewith, and declaring an emer-
gency."

Respectfully submitted,

C. L. PHINNEY,

Chief Clerk, House of Representatives.

H. C. R. No. 14.

The Chair laid before the Senate
the following resolution:

H. C. R. No. 14, A concurrent
resolution Resolved by the House
of Representatives, the Senate con-
curring, that the action of the
Speaker of the House and the Presi-
dent of the Senate signing H. B. No.
52, be rescinded and that the Speaker
of the House and President of the
Senate erase their names from the
enrolled bill.

The resolution was read and adopted.

H. C. R. No. 15.

The Chair laid before the Senate the following resolution:

H. C. R. No. 15, concerning the death of Dr. J. T. Wilhite.

The resolution was read and unanimously adopted by a standing vote.

House Bills Read and Referred.

The following House bills were read and referred:

H. B. No. 313 referred to Committee on Judicial Districts.

H. B. No. 3, referred to Committee on Mining, Irrigation and Drainage.

H. B. No. 147 referred to Committee on Civil Jurisprudence.

H. B. No. 29, referred to Committee on Civil Jurisprudence.

H. B. No. 32, referred to Committee on Civil Jurisprudence.

H. B. No. 34, referred to Committee on Civil Jurisprudence.

H. B. No. 42, referred to Committee on Civil Jurisprudence.

H. B. No. 48, referred to Committee on Civil Jurisprudence.

Bills Signed.

After their captions had been read, the Chair signed in the presence of the Senate the following concurrent resolutions:

S. C. R. No. 6.

S. C. R. No. 8.

Bills on Third Reading.

The Chair laid before the Senate on third reading the following bill:

S. B. No. 71, A bill to be entitled "An Act prescribing and fixing the number of hours that shall constitute a legal day's work on all work being performed by or on behalf of the State of Texas, or by or on behalf of any county, municipality or other legal or political subdivision of said State; providing for cases of emergency; prescribing penalties for its violation, and expressly repealing an Act passed at the Regular Session of the Thirty-second Legislature, known as H. B. No. 98, and being the same Act that was attempted to be vetoed by the Governor, but which veto was held ineffective by the Supreme Court because the veto message was filed with the Secretary of State after the expiration of twenty days as held by the Supreme Court in the case of R. B. Minor, et al, vs.

C. C. McDonald, Secretary of State; and expressly repealing H. B. No. 298, known as Chapter 121 of the Acts of the Thirty-seventh Legislature, Regular Session of 1921, and declaring an emergency."

The bill was read third time.

Senator Wood sent up the following amendment:

Engrossed Rider.

By Senator Ward:

Amend S. B. No. 71, Section 2, by inserting after the word "elements" on line 15, the following: "Or in such case where a laborer, workman or mechanic contracts to work over eight hours in consideration of the payment of a bonus."

The amendment was read.

The amendment was lost by the following vote.

Yeas—8.

Bailey.	Real.
Greer.	Russek.
Miller.	Ward.
Neal.	Wirtz.

Nays—15.

Berkeley.	Price.
Bledsoe.	Reid.
Bowers.	Triplett.
Hall.	Westbrook.
Love.	Witt.
McFarlane.	Wood.
Moore.	Woodward.
Pollard.	

Present—Not Voting.

Floyd.

Absent.

Hardin.	Holbrook.
Parr.	Lewis.
Smith.	Stuart.
Fairchild.	

Senator Ward sent up the following amendment:

Amend S. B. No. 71, Section 2, by inserting the following after the word "such" on line 32, "and providing further that this Act shall not apply to workmen employed on the highways of the State."

Motion to Recess.

Senator Hall moved that the Senate recess until 2 o'clock.

Senate Bills.

Unanimous consent was received to send up the following bills:

By Senator Floyd:

S. B. No. 212, A bill to be entitled "An Act granting extension of time for the payment of 1927 State and county taxes in this State of ninety days after such taxes become delinquent under present laws so that no penalties or interest shall accrue on non-payment of such taxes until after the expiration of said ninety days; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Love:

S. B. No. 213, A bill to be entitled "An Act amending Articles 3102, 3106, 3109, 3110, 3118, 3124, 3125, 3126, 3137, 3139, 3159 and 3167, and repealing Articles 3134, 3135, 3136, 3138, 3140 and 3141, of Chapter 13, Title 50, of the Revised Civil Statutes of Texas, of 1925, relating to nominations and primary elections by political parties which cast 100,000 votes or more, at the last general election, and so forth, and declaring an emergency."

Read first time and referred to Committee on Privileges and Elections.

By Senator Greer:

S. B. No. 214, A bill to be entitled "An Act amending Article 3102 of the Revised Civil Statutes of 1925, relating to primary elections and nominations of candidates by political parties, etc., and declaring an emergency."

Read first time and referred to Committee on Privileges and Elections.

By Senator Wood:

S. B. No. 215, A bill to be entitled "An Act making appropriations to cover deficiency certificates issued and accounts outstanding, such having been incurred since September 12, 1926, on account of the several items provided for in the Judiciary Department of the State government, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Wood:

S. B. No. 216, A bill to be entitled "An Act making appropriations to cover deficiencies in appropriations heretofore made for the support of

the State government for the fiscal year ending August 31, 1927, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Neal:

S. B. No. 217, A bill to be entitled "An Act to adequately provide for the support of the wife and the education and support of minor children, by the husband; authorizing the necessary suits; procedure, orders and judgments, to carry out the purposes of this Act; and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senators Wirtz, Triplett, Polard, Neal, Woodward and Bailey:

S. B. No. 218, A bill to be entitled "An Act providing that all policies hereafter written by any fraternal benefit society doing business in this State shall provide that no change thereafter made in any of the by-laws or the constitution of such society shall in any way affect the liability of such society under its policy and the constitution and by-laws as they existed at the time such policy was issued, and that no change thereafter made in any such constitution or by-laws shall in any way limit the liability of such society; and declaring an emergency."

Read first time and referred to Committee on Insurance.

By Senator McFarlane:

S. B. No. 219, A bill to be entitled "An Act amending Article 7336 of the Revised Civil Statutes of 1925, so as to permit county and State taxes to be paid quarterly; amending said article so as to adjust its provisions to quarterly payments of such taxes; providing that no suit shall be brought for such taxes until they become delinquent as provided in this Act; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senators Love and Moore:

S. B. No. 220, A bill to be entitled "An Act to amend Articles 1833, 1834 and 1836 of Chapter 2, of Title 39, Acts of 1925, providing for bailiffs and additional stenographic help for the Courts of Civil Appeals, and fixing the compensation for such services to be paid from fees

collected by the clerk, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Love:

S. B. No. 221, A bill to be entitled "An Act amending Articles 4704 and 4708 of the Revised Civil Statutes of 1925 so as to provide that stock of any insurance company organized under the laws of this State shall be divided into shares of not less than ten dollars each and not more than one hundred dollars each; and providing that the affairs of any insurance company organized under the laws of this State shall be managed by not fewer than seven directors, all of whom shall be the stockholders in the company; and declaring an emergency."

Read first time and referred to Committee on Insurance.

By Senator Hall:

S. B. No. 222, A bill to be entitled "An Act granting to the Harris County Ship Channel Navigation District of Harris County, Texas, or its successors, and defining its successors, all right, title and interest of the State of Texas, to certain islands and lands subject to overflow, and lands lying under the waters of Peggy's Lake, San Jacinto Bay, Burnett Bay, Crystal Lake, Scott's Bay, Mitchell Bay, Black Duck Bay, the San Jacinto River and Buffalo Bayou and tributary waterways, within Harris County Navigation District as far as the State may own same, for public purposes and for the development of commerce only, and granting to the Navigation District and its successors other rights, etc., and declaring an emergency."

Read first time and referred to Committee on Internal Improvements.

By Senator Parr:

S. B. No. 223, A bill to be entitled "An Act changing the time for holding court in the Twenty-eighth Judicial District amending Section 28 of Article 199 of Title 8 of the Revised Statutes of Texas, changing the time of holding the terms of the District Court of the Twenty-eighth Judicial District of Texas, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

By Senator Parr:

S. B. No. 224, A bill to be entitled "An Act creating the La Mota Negra Independent School District in Brooks County, Texas. Defining its boundaries, providing for the election and qualification of trustees thereof, and vesting said district with the rights, powers, duties and privileges of district incorporated under the General Law for Free School Purposes, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

Recess.

The motion of Senator Hall that the Senate recess until 2 o'clock was adopted.

After Recess.

Amendment No. 1 to Senate Bill No. 71 pending. A two-thirds vote being required for adoption, the amendment was lost by the following vote:

Yeas—14.

Bailey.	Pollard.
Floyd.	Russek.
Greer.	Ward.
McFarlane.	Wirtz.
Miller.	Witt.
Neal.	Wood.
Parr.	Woodward.

Nays—11.

Berkeley.	Price.
Bledsoe.	Reid.
Bowers.	Smith.
Hall.	Triplett.
Love.	Westbrook.
Moore.	

Absent.

Hardin.	Real.
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Absent—Excused.

Fairchild.	Lewis.
Holbrook.	Stuart.

The original bill was finally passed by the following vote:

Yeas—18.

Bailey.	Neal.
Berkeley.	Pollard.
Bledsoe.	Price.
Floyd.	Reid.
Greer.	Russek.
Hall.	Smith.
Love.	Triplett.
McFarlane.	Ward.
Moore.	Westbrook.

Nays—7.

Bowers.	Witt.
Miller.	Wood.
Parr.	Woodward.
Wirtz.	

Present—Not Voting.

Hall.

Absent.

Hardin.	Real.
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Absent—Excused.

Fairchild.	Lewis.
Holbrook.	Stuart.

Executive Session.

Senator Hall moved that the Senate go into Executive Session immediately to consider nominations of the Governor. The motion carried.

Results of the Executive Session.

In the Executive Session, the Senate confirmed the appointment of R. S. Sterling as Chairman of the Highway Commission.

Senate Bill No. 69.

The Chair laid before the Senate on its third reading the following bill:

By Senator Westbrook:

S. B. No. 69, A bill to be entitled "An Act authorizing the Commissioner of Agriculture to establish, maintain and enforce quarantine regulations to protect the agricultural and horticultural interests of this State against infestation by insect pests and plant diseases; to prohibit or restrict the sale and transportation of such plants and plant products as are known to carry insect pests and plant diseases; to have full power to deal with dangerous fruit and crop pests and plant diseases in such manner as may be necessary to carry into effect provisions of this Act; to have authority to declare "pest free" zones; providing for hearings to be held by the chief entomologist of the Department of Agriculture and others that may be designated; providing for due notice for such hearings and reports of the proceedings had; providing for appeal from the decision of the Commissioner of Agriculture; providing for declaration of "control" or "eradication" zones by the Commissioner of Agri-

culture upon recommendation of the commissioners' court of any county in this State; making it the duty of the Commissioner of Agriculture to cause an investigation to be made of the existence or non-existence of any pest in an area when called upon by the commissioners' court; providing for the commissioners' court to hold hearings and make report to the Commissioner of Agriculture of its conclusions; authorizing the commissioners' court to appropriate moneys to carry into effect the provisions of this Act; providing for the examination and licensing of persons, offering themselves as experts for hire to do tree pruning, spraying, fertilizing, budding, grove supervision, tree surgery or treatment of diseased trees or orchards; providing that this Act shall be cumulative of all laws now on the statute books; providing penalties, and declaring an emergency."

The bill was read third time.

Senator Westbrook sent up the following amendments:

Amendment No. 1.

Amend S. B. No. 69 by striking out all of Section 5 on page 6 of the printed bill and the language after the word "Commissioner" in line 3 on page 7 down to and including the word "starting" on lines 8 and 9.

The amendment was read and adopted.

Amendment No. 2.

Amend the caption of Senate Bill No. 69 by striking out of the printed bill the following clause contained in lines 30, 31, and 32 on page 1 and lines 1 and 2 of page 2, the language to be stricken out reads as follows: "Providing for the examination and licensing of persons offering themselves as experts for hire to do tree pruning, spraying, fertilizing, budding, grove supervision, tree surgery or treatment of diseased trees or orchards."

The amendment was read and adopted.

The bill was finally passed by the following vote:

Yeas—16.

Bailey.	Greer.
Berkeley.	Hall.
Floyd.	Hardin.

Love.	Triplett.
Moore.	Ward.
Neal.	Westbrook.
Pollard.	Witt.
Price.	Woodward.
Smith.	

Nays—7.

Bowers.	Reid.
McFarlane.	Russek.
Miller.	Wirtz.
Parr.	

Absent.

Bledsoe.	Real.
Wood.	

Absent—Excused.

Fairchild.	Lewis.
Holbrook.	Stuart.

S. C. R. No. 5.

Senator Witt received unanimous consent to call up the following resolution:

By Senator Witt:

S. C. R. No. 5, A concurrent resolution Providing for a tax survey of the State of Texas and appropriating from the contingent expense funds to pay for said survey.

The resolution was read.

Senator Witt sent up the following amendment:

Amend S. C. R. No. 5 by making committee consist of 15 persons, 8 to be citizens appointed by the Governor.

The amendment was read and adopted.

The resolution was adopted.

H. C. R. No. 3.

The Chair laid before the Senate, on second reading the following resolution:

H. C. R. No. 3, A concurrent resolution Providing for printing of Legislative manuals.

The resolution was read, and the committee report carrying amendment was adopted.

The resolution was read and adopted.

H. B. N. 56.

The Chair laid before the Senate on second reading the following bills:

S. B. No. 56, A bill to be entitled "An Act amending Section 8 of Chapter 177 of the General Laws of the

Regular Session of the Thirty-ninth Legislature, which section relates to wild beaver, wild otter and wild fox and the pelts thereof, so as to provide that said section shall not apply to wild fox and the pelts thereof, so as to provide that said section shall not apply to that portion of Texas lying west of a line starting at the mouth of the Brazos River where it empties into the Gulf of Mexico, thence following the meanderings of the Brazos River north to the intersection of the east boundary line of Young County, thence north along the west boundary line of Jack and Clay Counties to the Red River and declaring an emergency."

The bill was read the second time.

Senator Wirtz sent up the following amendment:

Amendment No. 1, S. B. No. 56.

Amend Senate Bill No. 56 by striking out of Section 1, page 1, all after the period on line 24 and all of lines 25, 26, 27, 28, 29 and 30, and in lieu thereof add the following: "Providing that this section shall not apply to wild fox in that portion of West Texas lying north and west of a line starting at the mouth of the San Antonio River where it empties into the Corpus Christi Bay, thence following the meanders of the said San Antonio River northerly to the mouth of the Cibolo River where same empties into the San Antonio River; thence following said Cibolo River northerly to the northwest line of Guadalupe County, the boundary between Guadalupe and Comal Counties; thence easterly with the northern boundary lines of Guadalupe, Caldwell, Bastrop, Lee, Burleson and Brazos Counties to the Brazos River; thence following the meanders of the Brazos River north to the intersection of the east boundary line of Young County; thence north along the west boundary line of Jack and Clay Counties to the Red River."

The amendment was read and adopted.

Senator Wirtz sent up the following amendment:

Amend Senate Bill No. 56 by striking out the caption and in lieu thereof add the following: "An act amending Section eight of Chapter 177 of the General Laws of the Regular Session of the Thirty-ninth Legislature, which section relates to

wild beaver, wild otter and wild fox to apply to wild fox in that portion of Texas lying north and west of a line starting at the mouth of the San Antonio River where it empties into the Corpus Christi Bay; thence following the meanders of the said San Antonio River northerly to the mouth of the Cibolo River where same empties into the San Antonio River; thence following said Cibolo River northerly to the northwest line of Guadalupe County, the boundary between Guadalupe and Comal Counties; thence easterly with the northern boundary lines of Guadalupe, Caldwell, Bastrop, Lee, Burleson and Brazos Counties to the Brazos River; thence following the meanders of the Brazos River north to the intersection of the east boundary line of Young County; thence north along the west boundary line of Jack and Clay Counties to the Red River."

The amendment was read and adopted.

The bill was passed to engrossment.

Senate Bill No. 123.

Senator Greer called from the table the following bill:

S. B. No. 123, A bill to be entitled "An Act creating and incorporating the Poynor Independent School District lying in the counties of Henderson and Anderson in the State of Texas; defining the boundaries thereof; providing for a board of trustees thereof; placing said independent district under the control of the General Laws governing independent districts; providing that no outstanding indebtedness of the Poynor Independent District be invalidated, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Greer, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 123 was put on its third reading and final passage by the following vote:

Yeas—20.

Berkeley.	Love.
Bowers.	McFarlane.
Floyd.	Miller.
Greer.	Moore.
Hall.	Neal.
Hardin.	Parr.

Price.	Ward.
Real.	Westbrook.
Reid.	Wood.
Russek.	Woodward.
Smith.	

Present—Not Voting.

Bailey.	Wirtz.
Pollard.	Witt.
Triplett.	

Absent.

Bledsoe.

Absent—Excused.

Fairchild.	Lewis.
Holbrook.	Stuart.

The bill was read third time and passed finally, by the following vote:

Yeas—22.

Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Price.
Floyd.	Real.
Greer.	Reid.
Hall.	Russek.
Hardin.	Smith.
Love.	Triplett.
McFarlane.	Ward.
Miller.	Westbrook.
Moore.	Wood.
Neal.	

Present—Not Voting.

Bailey.	Witt.
Wirtz.	Woodward.

Absent—Excused.

Fairchild.	Lewis.
Holbrook.	Stuart.

Senate Bill No. 165.

Senator Neal received unanimous consent to withdraw Senate Bill No. 165 from the committee and from the consideration of the Senate.

Senate Bill No. 77.

Senator Real called from the table the following bill:

S. B. No. 77, A bill to be entitled "An Act making theft of an automobile or any part thereof, or accessory thereto, a felony, and affixing a punishment therefor, and declaring an emergency."

Senator Ward moved the adoption of the majority report that the bill do pass.

The majority report was adopted.

Senator Ward sent up the following amendment:

Amendment No. 1, S. B. No. 77.

Amend S. B. No. 77, Section 1, by inserting after the word "or" on line 13, the following: "A fine of not less than twenty-five dollars nor more than two hundred dollars, and by confinement in the county jail not exceeding three months," or by both such fine and imprisonment, and strike out all of line 14.

The amendment was read.

The bill and amendment were laid on the table subject to call.

Senate Bill No. 57.

The Chair laid before the Senate on the calendar the following bill:

S. B. No. 57, A bill to be entitled "An Act to amend Article 288 of the Penal Code of the State of Texas adopted at the Regular Session of the Thirty-ninth Legislature, 1925, so as to make it lawful to teach the Spanish language in the elementary grades in public schools in counties bordering on the boundary line between the United States and the Republic of Mexico, having a city or cities of a population of fifty thousand inhabitants or more, according to the United States census of 1920, and declaring an emergency."

The bill failed in engrossment by the following vote:

Yeas—9.

Berkeley.	Parr.
Floyd.	Price.
Love.	Real.
Moore.	Smith.

Nays—17.

Bailey.	Reid.
Bledsoe.	Russek.
Bowers.	Triplett.
Greer.	Ward.
Hall.	Westbrook.
McFarlane.	Wirtz.
Miller.	Witt.
Neal.	Wood.
Pollard.	Woodward.

Absent.

Hardin.

Absent—Excused.

Fairchild.	Lewis.
Holbrook.	Stuart.

Senate Bill No. 58.

The Chair laid before the Senate on the calendar the following bill:

S. B. No. 58, A bill to be entitled "An Act to amend Article 3116 of the revised Civil Statutes of the State of Texas adopted at the Regular Session of the Thirty-ninth Legislature, 1925, regulating the assessment of candidates for the payment of primary expenses and providing that no candidate's name shall be placed upon the ballot unless he shall have paid his share of such expense so as to limit the amount required to be paid by candidates for Chief Justice or Associate Justice of a Court of Civil Appeals, or for representative in Congress for district judge or district attorney or any other district office in representative or judicial districts composed of four or more counties, and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill No. 59.

The Chair laid before the Senate on the calendar:

S. B. No. 59, A bill to be entitled "An Act to amend Article 3392 of the Revised Civil Statutes of Texas, 1925, relating to county clerks and their compensation for ex-officio and other public services rendered so as to provide that the total amount paid the county clerk in one year shall not be less than fifty nor more than fifteen hundred dollars, and declaring an emergency."

The bill was read second time and laid on the table subject to call.

Senate Bill No. 66.

The Chair laid before the Senate on the calendar:

S. B. No. 66, A bill to be entitled "An Act to amend Article 2135 of the Revised Civil Statutes of Texas, by exempting from jury service agents and patrol men engaged in forestry protection work employed by the State Department of Forestry when engaged in the regular and actual discharge of their duties, and declaring an emergency."

The bill was read second time and laid on the table subject to call.

Senate Bill No. 78.

The Chair laid before the Senate on the calendar the following bill:

S. B. No. 78, A bill to be entitled "An Act fixing in counties having a population of one hundred and fifty thousand inhabitants, the compensation of district attorneys and providing for the appointment of assistant district attorneys, investigators, stenographers, grand jury bailiffs, deputies and other employees, and providing for their salaries and the manner of their payment, and providing for the duties and authority of investigators, and providing for the purchase, operation and maintenance of automobiles, and repealing all laws in conflict herewith with exceptions, and declaring an emergency."

The bill was read second time and laid on the table subject to call.

Senate Bill No. 84.

The Chair laid before the Senate on the calendar the following bill:

S. B. No. 84, A bill to be entitled "An Act to amend Article 417 of the Code of Criminal Procedure so that one indictment may cover all offenses growing out of the same transaction."

The bill was read second time and laid on the table subject to call.

Senate Bill No. 96.

The Chair laid before the Senate on the calendar the following bill:

S. B. No. 96, A bill to be entitled "An Act defining negligent assault and negligence; making it an offense to negligently injure the person or property of another, affixing a punishment therefor and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill No. 100.

The Chair laid before the Senate on the calendar the following bill:

S. B. No. 100, A bill to be entitled "An Act amending Article 6815 of Title 117 Revised Civil Statutes of the State of Texas of 1925 so as to provide a salary for the Superintendent of the State Tuberculosis Sanatorium of \$5,000.00 per annum and the salary of the store keeper and accountant of the State Tuberculosis Sanatorium at an annual sal-

ary not to exceed \$2,000.00, and declaring an emergency."

The bill was read second time and laid on the table subject to call.

Senate Bill No. 105.

The Chair laid before the Senate on the calendar the following bill:

S. B. No. 105, A bill to be entitled "An Act requiring all railway corporations operating a line of railway in the State of Texas, to place switch lights on their main line switches and to keep the same lighted from sunset until sunrise; except the main line switches that are now or may hereafter be operated by automatic signal devices; and requiring all railway corporations in the State of Texas to place single vane targets on all main line switches, and providing penalties and remedies for the violation of any of the provisions of this Act; repealing Article 6373 of Chapter 8, Title 112 of the Revised Civil Statutes of 1925, and declaring an emergency."

The bill was made special order for tomorrow morning after the morning call.

Senate Bill No. 113.

The Chair laid before the Senate on the calendar the following bill:

S. B. No. 113, A bill to be entitled "An Act amending Chapter 135 of the General Laws of the Regular Session of the Thirty-ninth Legislature, which relates to the compensation of county commissioners, so as to provide that in no event shall a county commissioner in a county having less than 10,000 population according to the last United States Census receive more than six hundred dollars per annum for his services; and declaring an emergency."

The bill was read second time.

The committee report carrying amendment was adopted.

Senator Wood sent up the following amendment:

Amendment No. 1, S. B. No. 113.

Amend S. B. No. 113 by striking out \$7,500 wherever it occurs and insert in lieu thereof the following: \$7,000.

The amendment was read and adopted by the following vote:

Yeas—22.

Bledsoe.	Price.
Bowers.	Real.
Floyd.	Reid.
Hall.	Russek.
Hardin.	Smith.
Love.	Triplett.
Miller.	Ward.
Moore.	Westbrook.
Neal.	Wirtz.
Parr.	Witt.
Pollard.	Wood.

Nays—4.

Berkeley.	McFarlane.
Greer.	Woodward.

Present—Not Voting.

Bailey.

Absent—Excused.

Fairchild.	Lewis.
Holbrook.	Stuart.

Senator Floyd sent up the following amendment:

Amendment No. 2, S. B. No. 113.

Amend S. B. No. 113, page 1 line 24 by striking out the figures \$10,000,000 wherever it occurs and insert in lieu thereof the figures \$9,000,000.

The amendment was read and adopted.

Senator Pollard moved to indefinitely postpone the bill.

The motion prevailed by the following vote:

Yeas—16.

Bailey.	Price.
Bowers.	Real.
Greer.	Russek.
Hall.	Triplett.
Love.	Ward.
Moore.	Westbrook.
Parr.	Wirtz.
Pollard.	Witt.

Nays—9.

Berkeley.	Reid.
Bledsoe.	Smith.
Floyd.	Wood.
McFarlane.	Woodward.
Neal.	

Absent

Hardin.	Miller.
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Absent—Excused.

Fairchild.	Lewis.
Holbrook.	Stuart.

Senate Bill No. 118.

The Chair laid before the Senate on the calendar the following bill:

S. B. No. 118, A bill to be entitled "An Act to amend Article 3872, Title 60, of the Revised Civil Statutes of 1925, and declaring an emergency."

The bill was read second time and laid on the table subject to call.

Senate Bill No. 121.

The Chair laid before the Senate on the calendar the following bill:

S. B. No. 121, A bill to be entitled "An Act to amend Article 2253 of Chapter 12, Title 42, of the Revised Civil Statutes of 1925, and declaring an emergency."

The bill was read second time and laid on the table subject to call.

Senate Bill No. 131.

The Chair laid before the Senate on the calendar the following bill:

S. B. No. 131, A bill to be entitled "An Act in the interest of the public safety by rendering it unlawful for any person to drive or propel an automobile, automobile truck or other motor driven vehicle upon the track of any railroad operated by a steam railroad company, or the receiver thereof, or the track of any railroad operated by an interurban railroad company, or the receiver thereof, at the place of crossing of any public road or street at grade, after the designation of the same as dangerous by the State Highway Commission, except in certain cases, without stopping, looking and listening for approaching trains, engines or cars; by making it a misdemeanor to violate any of the provisions of the Act and prescribing punishment therefor; by providing that failure to stop at a crossing designated as a full stop shall not constitute negligence per se; by providing that the State Highway Commission shall designate crossings as dangerous and give notice thereof, etc., and declaring an emergency."

The bill was read second time and laid on the table subject to call.

Senate Bill No. 137.

The Chair laid before the Senate on the calendar the following bill:

S. B. No. 137, A bill to be entitled "An Act repealing Article 6815 of the Revised Civil Statutes of 1925,

in so far as it fixes the compensation of superintendents of eleemosynary institutions; repealing any and all laws fixing the compensation of said superintendents; providing that hereafter the salary of such superintendents shall be the amount fixed in the Appropriation Act passed by the Legislature; and declaring an emergency."

The bill was laid on the table subject to call.

Senate Bill No. 138.

The Chair laid before the Senate on the calendar the following bill:

S. B. No. 138, A bill to be entitled "An Article amending Article 5142, of the Revised Civil Statutes, providing for juvenile officers, etc., and declaring an emergency."

The bill was laid on the table subject to call.

Senate Bill No. 139.

The Chair laid before the Senate on the calendar the following bill:

S. B. No. 139, A bill to be entitled "An Act to amend Article 5922, of Title 96, of Revised Statutes, 1925, relating to removal of disabilities of minors, and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill No. 141.

The Chair laid before the Senate on the calendar the following bill:

S. B. No. 141, A bill to be entitled "An Act to amend Article 2889a, of the Revised Statutes, of 1925, pertaining to the issuance of teachers' certificates."

The bill was laid on the table subject to call.

Senate Bill No. 142.

The Chair laid before the Senate on the calendar the following bill:

S. B. No. 142, A bill to be entitled "An Act amending Article 6643 of the Revised Civil Statutes of 1925, relative to lis pendens notices; providing that lis pendens notices mentioned and referred to in said Article shall be notice to all the world of their contents, and that the suit or suits mentioned therein are pending and shall operate as soon as filed with the county clerk for record as provided in Chapter 2, of Title 115 of the Revised Civil Statutes of 1925,

whether service has been had on the parties to said suit or not; and declaring an emergency."

The bill was laid on the table subject to call.

Senate Bill No. 153.

The Chair laid before the Senate on the calendar the following bill:

S. B. No. 153, A bill to be entitled "An Act amending Article 6203, Title 108, of the Revised Civil Statutes of Texas, 1925, and declaring an emergency."

The bill was laid on the table subject to call.

Senate Bill No. 155.

The Chair laid before the Senate on the calendar the following bill:

S. B. No. 155, A bill to be entitled "An Act to create the 104th Judicial District of Texas, and designating the counties constituting said district, and fixing the time for holding court therein; reorganizing the 39th Judicial District of Texas, and fixing the time for holding court in the various counties of said district; providing for the appointment of a judge for the newly created 104th Judicial District of Texas, for the appointment of District Attorneys for the 39th Judicial District of Texas; providing for the transfer of cases from the 104th Judicial District to the 42nd Judicial District, and vice versa; providing that the District Clerk of Taylor County shall be the Clerk of Taylor County of said newly created 104th District, and providing the manner of filing cases and numbering same in the 104th District and in the 42nd Judicial District; validating all process, writs and bonds heretofore issued in the various counties affected by this Act, etc., and declaring an emergency."

The committee report was adopted.

The bill was read second time.

The bill was ordered engrossed.

On motion of Senator Smith, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 155 was put on its third reading and final passage, by the following vote:

Yeas—25.

Bailey.
Berkeley.
Bledsoe.
Bowers.

Floyd.
Hall.
Hardin.
Love.

McFarlane.	Russek.
Miller.	Smith.
Moore.	Triplett.
Neal.	Ward.
Parr.	Westbrook.
Pollard.	Witt.
Price.	Wood.
Real.	Woodward.
Reid.	

Nays—1.

Greer.

Present—Not Voting.

Wirtz.

Absent—Excused.

Fairchild.	Lewis.
Holbrook.	Stuart.

The bill was read third time and passed finally, by the following vote:

Yeas—25.

Bailey.	Pollard.
Berkeley.	Price.
Bledsoe.	Real.
Bowers.	Reid.
Floyd.	Russek.
Hall.	Smith.
Hardin.	Triplett.
Love.	Ward.
McFarlane.	Westbrook.
Miller.	Witt.
Moore.	Wood.
Neal.	Woodward.
Parr.	

Present—Not Voting.

Wirtz.

Absent.

Greer.

Absent—Excused.

Fairchild.	Lewis.
Holbrook.	Strong.

Senate Bill No. 160.

The Chair laid before the Senate on the calendar the following bill:

S. B. No. 160, A bill to be entitled "An Act authorizing the county judge to appoint a stenographer and prescribing the duties of such stenographer; providing for his compensation, and declaring an emergency."

The bill was laid on the table subject to call.

Senate Bill No. 172.

The Chair laid before the Senate on the calendar the following bill:

S. B. No. 172, A bill to be entitled "An Act validating certain cities and towns incorporated under the General Laws of Texas, Title 28, Revised Civil Statutes, 1925, having 600 inhabitants or over, and declaring an emergency."

The bill was passed to engrossment.

Senate Bill No. 173.

The Chair laid before the Senate on the calendar the following bill:

S. B. No. 173, A bill to be entitled "An Act amending Article 4340 of the Revised Civil Statutes of 1925, so as to abolish the office of Chief Clerk to the Secretary of State and creating the office of Assistant Secretary of State, prescribing his tenure, qualifications and duties; fixing his compensation for the remainder of his fiscal year, and declaring an emergency."

The bill was read second time.

The committee report was adopted.

Senator McFarlane sent up the following amendment:

Amend by inserting in lieu of the figures \$5,000 wherever they appear and insert in lieu thereof the figures \$4,000.

The amendment was lost by the following vote:

Yeas—9.

Bailey.	Neal.
Berkeley.	Pollard.
Floyd.	Real.
Greer.	Triplett.
McFarlane.	

Nays—16.

Bowers.	Reid.
Bledsoe.	Russek.
Hall.	Smith.
Hardin.	Ward.
Love.	Wirtz.
Miller.	Witt.
Parr.	Wood.
Price.	Woodward.

Absent.

Moore.	Westbrook.
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Absent—Excused.

Fairchild.	Lewis.
Holbrook.	Strong.

The bill passed to engrossment by the following vote.

Yeas—23.

Bailey.	Price.
Berkeley.	Real.
Bledsoe.	Reid.
Bowers.	Russek.
Floyd.	Smith.
Hall.	Triplett.
Hardin.	Ward.
Love.	Wirtz.
Miller.	Witt.
Neal.	Wood.
Parr.	Woodward.
Pollard.	

Nays—2.

Greer.	McFarlane.
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Absent.

Moore.	Westbrook.
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Absent—Excused.

Fairchild.	Lewis.
Holbrook.	Stuart.

On motion of Senator Wood, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 173 was put on its third reading and final passage, by the following vote:

Yeas—23.

Bailey.	Bowers.
Berkeley.	Floyd.
Bledsoe.	Hall.
Hardin.	Russek.
Love.	Smith.
Miller.	Triplett.
Neal.	Ward.
Parr.	Wirtz.
Pollard.	Witt.
Price.	Wood.
Real.	Woodward.
Reid.	

Nays—1.

McFarlane.

Absent.

Greer.	Westbrook.
Moore.	

Absent—Excused.

Fairchild.	Lewis.
Holbrook.	Stuart.

The bill was read third time and passed finally, by the following vote:

Yeas—24.

Bailey.	Pollard.
Berkeley.	Price.
Bledsoe.	Real.
Bowers.	Reid.
Floyd.	Russek.
Hall.	Smith.
Hardin.	Triplett.
Love.	Ward.
Miller.	Wirtz.
Moore.	Witt.
Neal.	Wood.
Parr.	Woodward.

Nays—2.

Greer.	McFarlane.
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Absent.

Westbrook.

Absent—Excused.

Fairchild.	Lewis.
Holbrook.	Stuart.

Senate Bill No. 148.

Senate Bill No. 148 was withdrawn from the Committee on Privileges and Elections and referred to the Committee on Educational Affairs.

Adjournment.

The Senate at 4:55 p. m. on the motion of Senator Wood adjourned until tomorrow morning at 10:00 o'clock a. m.

APPENDIX.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, January 31, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 69 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, January 31, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 115 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, January 31, 1927.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on Engrossed Bills have had S. C. R. No. 5 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, January 31, 1927.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 58 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Reports.

(Majority Report.)

Committee Room,
Austin, Texas, January 26, 1927.
Hon. Barry Miller, President of the
Senate.

Sir: We, a majority of your Committee on Criminal Jurisprudence to whom was referred

S. B. No. 24, A bill to be entitled "An Act to repeal Articles 776, 777, 778, 779, 780 and 781 of the Code of Criminal Procedure of 1925."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

WOODWARD, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, January 26, 1927.
Hon. Barry Miller, President of the
Senate.

Sir: We, a minority of your Committee on Criminal Jurisprudence to whom was referred

S. B. No. 24, A bill to be entitled "An Act to repeal Articles 776, 777, 778, 779, 780 and 781 of the Code of Criminal Procedure of 1925."

Beg to differ with a majority of your Committee and report the same back to the Senate with the recommendation that it do pass.

BLEDSON,
PARR.

Committee Room,
Austin, Texas, January 31, 1927.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on Highway and Motor Traffic, to whom was referred

S. B. No. 183, A bill to be entitled "An Act to create Road District Number One (1), in Matagorda County, Texas, validating and approving all orders made by the commissioners' court of said county, in respect to the organization of said district; validating the authorization, issuance, and sale of certain road bonds thereof, and providing for their payment by the annual levy, assessment and collection of general ad valorem taxes on all taxable property in said road district; approving and validating all orders of the commissioners' court of said county in respect of said road district, bonds and taxes, or certified copies thereof, and constituting such orders legal evidence, evidencing proof of publication of constitutional notice required in such Acts, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

FLOYD, Chairman.

Committee Room,
Austin, Texas, January 31, 1927.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on Highway and Motor Traffic to whom was referred

S. B. No. 125, A bill to be entitled "An Act to create Road District Number 4, in Hill County, Texas, validating and approving all orders made by the commissioners' court of said county, in respect to the organization of said district; validating the authorization, issuance and sale of certain road bonds thereof, and providing for their payment by the annual levy, assessment and collection of general ad valorem taxes of all taxable property in said road district; approving and validating all orders of the commissioners' court of said county in respect of said road district, bonds and taxes, or certified copies thereof, and constituting such orders legal evidence; evidencing proof of publication of constitutional

notice required in such acts; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

FLOYD, Chairman.

Committee Room,

Austin, Texas, January 31, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Highway and Motor Traffic, to whom was referred

S. B. No. 167, A bill to be entitled "An Act to create Road District No. 4, in Hill County, Texas, validating and approving all orders made by the commissioners' court of said county, in respect to the organization of said district; validating the authorization, issuance, and sale of certain road bonds thereof, and providing for their payment by the annual levy, assessment and collection of general ad valorem taxes on all taxable property in said road district; approving and validating all orders of the commissioners' court of said county in respect of said road district, bonds and taxes, or certified copies thereof, and constituting such orders legal evidence; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

FLOYD, Chairman.

Committee Room,

Austin, Texas, January 31, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Highway and Motor Traffic, to whom was referred

S. B. No. 179, A bill to be entitled "An Act amending Chapter 253, of the Special Laws of the State of Texas, passed by the Thirty-ninth Legislature, at the First Called Session thereof, which convened in the City of Austin, September 13, 1926, and adjourned October 8, 1926, relating to the creation of Road District No. 4 in Fayette County, Texas, validating and approving all orders made by the commissioners' court of said county, in respect to the organization of said district, validating the authorization, issuance and sale of certain road bonds thereof and pro-

viding for their payment by the annual levy, assessment and collection of general ad valorem taxes on all taxable property in said road district; approving and validating all orders of the commissioners' court in said county in respect to said road district, bonds and taxes, or certified copies thereof and constituting such orders legal evidence, evidencing proof of publication of constitutional notice required in such Act, by adding thereto a section to be known as Section 3A, reading as follows, to-wit:

"Section 3A. That the order adopted by the county commissioners' court of said county on the 29th day of August, 1925, submitting to the resident property taxpayers, who were qualified electors of said road district, at an election to be held in said road district on the 3rd day of October, 1925, the proposition of issuing bonds of said road district in the amount of twenty-five thousand dollars (\$25,000.00), and the levy of a tax upon the taxable property therein to pay interest on said bonds and provide a sinking fund for the redemption thereof, for the purpose of constructing, maintaining and operating macadamized, graveled or paved roads or turnpikes, or in aid thereof, and the notice published and posted at said election, the form of ballot used thereat and the canvass of the vote cast at said election as recorded in the minutes of said county commissioners' court, revealing that a two-thirds majority of such resident qualified property taxpayers who were qualified electors, voting on the propositions voted in favor of the issuance of such bonds and levy of such tax are hereby legalized, approved and validated, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

FLOYD, Chairman.

Committee Room,

Austin, Texas, January 27, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred

S. B. No. 161, A bill to be entitled "An Act to prevent the spread of disease through surface privies and cess-pools, prescribing certain regulations,

localizing authority for the enforcement of same and placing of penalty, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BERKELEY, Chairman.

THIRTEENTH DAY.

Senate Chamber,

Tuesday, February 1, 1927.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Floyd.	Reid.
Greer.	Russek.
Hall.	Smith.
Hardin.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Wirtz.
Miller.	Wood.
Neal.	Woodward.

Absent.

Witt.

Absent—Excused.

Fairchild. Moore.

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Message from the Governor.

The Chair recognized the doorkeeper who introduced a messenger from the Governor with the following Executive Message:

Executive Department,

Austin, Texas, February 1, 1927.

To the Honorable Senate of the State of Texas:

With your advice and consent, I

desire to appoint the following named persons to the office set opposite their several names, respectively:

Judge W. R. Ely of Taylor County, to be a member of the Highway Commission, succeeding Senator Scott Woodward.

Honorable Mitchell Campbell of Anderson County, to be a member of the State Fire Insurance Commission, succeeding Honorable J. J. Timmins.

Honorable Charles McKamey of Grayson County, to be Labor Commissioner, succeeding Miss Fannie Daniels.

Senator F. C. Weinert of Guadalupe County, to be Tax Commissioner, succeeding Honorable Edward Edwards.

Respectfully submitted,

DAN MOODY,
Governor.

Bills and Resolutions.

By Senator Hall:

S. B. No. 225, A bill to be entitled "An Act to amend Subdivision 3, of Article 3926, Revised Statutes, 1925, relating to the payment of salary to the county judge by the commissioners' court for presiding over said court, ordering election, making returns thereof, hearing and determining civil causes, and transacting all other official business, by providing that the amount so paid shall be ex-officio, and not accountable under the maximum fee bill, in counties of 150,000 population or more, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Hall:

S. B. No. 226, A bill to be entitled "An Act to create an additional criminal district court for the County of Harris; and to provide for district, jurisdiction, and organization of, and procedure in said court; to provide for the transferring and docketing of cases, and to provide for the trial and disposition of causes during the absence of either judge; to provide for the appointment and election, qualification, jurisdiction, duties, powers and compensation of a judge thereof, etc."

Read first time and referred to Committee on Judicial Districts.